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June 11, 2018

VIA EMAIL AND U.S. MAIL

David W. Hodges
Kennedy Hodges, L.L.P.
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Re: In re Bair Hugger Forced Air Warming Devices Products Liability Litigation
MDL No. 2666 – Deficiencies in Plaintiff Fact Sheet for Individual Case
Kilmer, David v. 3M Company et al Case No.: 0:18-cv-00460-JNE-FLN

Dear Counsel:

We are in receipt of the Plaintiff Fact Sheet (PFS) for the above-captioned matter. The PFS has core deficiencies, as set forth in the enclosed report.

Paragraph 4 of Pretrial Order No. 14 defines core deficiencies as “a lack of response to all questions in Section I, Section II, and Section III; Section IV, questions 1, 3, 7, 8, 9, 10; Section V, questions 5, 6, and 7; Section VI, questions 1, 3, 6, 7, 8, and 9; Section VII, questions 1 and 2; Section 8, question 2; Section IX, questions 1, 3, and 4, or lack of signed medical authorizations.” Paragraph 3 further requires a signed verification.

In addition, the instructions on the PFS form prohibit leaving spaces blank and provide as follows: “If a question is not applicable to you, please state ‘Not Applicable’ or ‘N/A.’” In our review, many deficiencies resulted from a plaintiff leaving one or more spaces blank.

Pursuant to paragraph 6 of PTO 14, within 3 weeks of the date of this letter, you must respond in writing by either (1) curing the deficiencies (by serving a revised, verified PFS through Plaintiffs’ portal); (2) disputing the deficiencies and setting forth the reasons the PFS is not deficient; or (3) explaining why the deficiencies cannot be timely cured. When serving a revised, verified PFS through Plaintiff’s portal, you do not need to resubmit documents that were previously served with the original PFS. This is a final deficiency notice for this matter.

Sincerely,

s/ Benjamin W. Hulse

Benjamin W. Hulse

cc: Plaintiffs’ Co-Lead Counsel
Enclosure

Plaintiffs' Last Name	Kilmer
Plaintiffs' First Name	David
Case No.	18-cv-460
Section I (Case Information)	
Section I - Incomplete Questions	
Section II (Personal Information)	
Section II - Incomplete Questions	
Section III (Surgery Information)	
Section III - Incomplete Questions	
Section IV - 1 (Vital Statistics)	
Section IV - 3 (Healthcare Providers)	
Section IV - 7 (Pharmacies/Drugstores)	
Section IV - 8 (Dental Procedures)	
Section IV - 9 (Tobacco)	
Section IV - 10 (Drug/Alcohol)	
Section V - 4 (Disability Claims)	
Section V - 5 (Lawsuits)	
Section V - 6 (Bankruptcy)	
Section VI - 1 (Physical Injury)	
Section VI - 3 (Emotional Distress)	
Section VI - 6 (Warnings)	
Section VI - 7 (3M/Arizant Communications)	
Section VI - 8 (3M/Arizant Warranty)	
Section VI - 9 (Augustine)	
Section VII - 1 (Lost Past Wages)	
Section VII - 2 (Lost Future Wages)	
Section VIII - 2 (Verbal/Written Statement)	
Section IX - 1 (Consortium Name etc.)	
Section IX - 3 (Residences)	
Section IX - 4 (Married)	
X.01 - Signed Authorization	
X.02.d - Documents - Signed Verification	Incomplete
I.03.b - Plaintiffs' Counsel's Firm	Kennedy Hodges
I.03.e - Plaintiffs' Counsel's Email	mtg@kennedyhodges.com